IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

And
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 14915 of 2004

Between:

A. Subba Narasaiah S/o A. Narasimhulu
SA, Madanapalli, Chittoor district

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep by Secrtary, Finance Department (W&M),
Secretariat, Secrtariat Building, Hyderabad
2 The Director, Directorate of State Audit, Andhra Pradesh, Hyderabad
3 The Regional Deputy Director, STate Audit, Kurnool, Kurnool District
4 R. Shankar Reddy S/o R. Venkata Reddy AAO.,
O/o District Audit Office, SA., Anantapur, Anantapur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction particularly one in the nature of Writ of Certiorari call for the records relating to the orders dated 16-8-2004 passed in O.A. No. 4121/2004 and transfer orders passed in Memo Rc. No. 12709/C3/2004 dt 20-7-2004 passed by the 2nd respondent and consequential proceedings No. 226/B1/04 dated 21-7-1004 passed by the 3rd respondent in so for as relating to the petitioner and quash the same by issuing writ of Certiorari as being illegal, arbitrary and contrary to

G.O.Ms. No. 512 dated 14-6-2004 as modified in G.O.Ms. No. 541 dt 2-7-2004 and consequently direct the respondent 1 to 3 retain the petitioner at the Assistant Audit Office, Madanapalli, Chittoor District and pass such other order or order may deem fit and proper in the circumstances of the case. issue an order or direction particularly one in the nature of Writ of Certiorari calling for the records connected to the impugned notice dated 3-3-2003 issued by the 2nd respondent and consequential notice dt 28-7-2004 quash the same as illegal, arbitrary and contrary to the provisions of public premises eviction of unauthorized occupants Act, 1971.

Counsel for the Petitioner: MR.P.SRINIVASULU

Counsel for the Respondent Nos. 1 to 3: GP FOR SERVICES-II. Counsel for the Respondent No.4: -- N.A.--

The Court, at the stage of admission, made the following:

(Oral Order: Per: The Hon’ble Mr. Justice Goda Raghuram)

By proceedings dated 20-07-2004, the petitioner, an Assistant Audit Officer working at Madanapalli in Chittor district, was transferred to Chittor. Complaining that he had been transferred even before he completed four years of service at Madanapalli, contrary to the administrative instructions on transfers issued in G.O.Ms.No 512 Finance (W. & M) Department dated 14-06-2004 (for short 'the G.O.Ms.No. 512'), the petitioner filed O.A.No.4121 of 2004 before the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal'). By the judgment dated 16-08-2004, the Tribunal rejected the O.A.on the grounds that the petitioner had completed more than three and half years (3 ½) of service at Madanapalli and the respondents had sent proposals for fourteen (14) transfers in the category of Assistant Audit Officers, including of the petitioner and the impugned order of transfer posting the 4th respondent at Madanapalli in place of the petitioner has been passed in administrative exigencies and in substantial harmony with the administrative instructions in the G.O.Ms.No. 512.

The order impugned before the Tribunal is a mere order of transfer from Madanapalli to Chittor within the same district. No serious prejudice is caused to the petitioner. The orders of the State Government in the G.O.Ms.No. 512 are administrative instructions, which are not normally enforceable in judicial review. In any event the law does not deal with trifles and the petitioner has suffered no serious prejudice. We see no merit in the writ petition. It is accordingly dismissed. No costs.

_____

J. CHELAMESWAR, J

_____

GODA RAGHURAM, J

Dt. 29-09-2004

Pvks/*

To

1. The Secretary, Finance Department (W&M), Government of Andhra Pradesh, Secretariat Buildings, Hyderabad
2. The Director, Directorate of State Audit, Andhra Pradesh, Hyderabad
3. The Regional Deputy Director, State Audit, Kurnool, Kurnool District

4. 2CCs to the Government Pleader for Services-II, A.P. High Court Buildings, Hyderabad (OUT).

5. 2CD copies